

**Sec. 732-210. C-S Special Commercial District regulations.**

Statement of purpose: The Special Commercial District (C-S) is established for the following purposes:

- (1) To encourage:
  - a. A more creative approach in land planning.
  - b. Superior site and structural design and development.
  - c. An efficient and desirable use of open space.
- (2) To provide for a use of land with high functional value.
- (3) To assure compatibility of land uses, both within the C-S District and with adjacent areas.
- (4) To permit special consideration of property with outstanding features, including, but not limited to, historical, architectural or social significance, unusual topography, landscape amenities, and other special land characteristics.
- (5) To provide maximum adaptability and flexibility in zoning and development controls to meet the changing and diverse needs of the metropolitan area.

The C-S District is designed to permit, within a single zoning district, multi-use commercial complexes or land use combinations of commercial and noncommercial uses, or single-use commercial projects. The primary objective of this district is to encourage development which achieves a high degree of excellence in planning, design or function, and can be intermixed, grouped or otherwise uniquely located with maximum cohesiveness and compatibility. The district provides flexibility and procedural economy by permitting the broadest range of land use choices within a single district, while maintaining adequate land use controls. The C-S District can include high-rise or low-rise developments, can be applied to large or small land areas appropriately located throughout the metropolitan area, and can be useful in areas of urban renewal or redevelopment.

Development site plans should incorporate and promote environmental considerations, working within the constraints and advantages presented by existing site considerations, including vegetation, topography, drainage and wildlife.

**(a) Permitted C-S District uses.** All land uses within the C-S Districts shall be limited to the use or uses specified in the applicable rezoning petition or ordinance redistricting and zoning the particular land to the C-S District. A site and development plan for a proposed C-S District shall be filed with the zoning petition and approved by the Metropolitan Development Commission. The Commission may approve, amend or disapprove the plan and may impose any reasonable conditions upon its approval. If such plan submitted is a preliminary rather than final plan, the Commission's approval shall be conditioned upon the approval, by the Administrator, of a final site and development plan, in total or in phases. Such final plan approval by the Administrator shall be conditioned upon the Administrator's findings that the final plan is consistent and in substantial conformity with the preliminary plan, as approved by the Metropolitan Development Commission. All development within the C-S Districts shall be subject to any further standards, restrictions or requirements specified in such rezoning petition or ordinance and commitments filed, made or presented in support of such rezoning petition.

- (1) By example, the following uses may be appropriate in the C-S District:
  - a. Planned public and semi-public structures and uses, parks and open space;
  - b. Commercial office-multifamily residential complex (providing the residential component shall be subordinate to the primary commercial use or uses);
  - c. Regional, community or neighborhood shopping center-office-multifamily residential complex, hotels, motels or other multi-use planned complex (providing the residential

component shall be subordinate to the primary commercial use or uses), or other appropriate uses and accessory facilities therefor;

d. Office-commercial-industrial research and development park or complex or other commercial-industrial use combination (providing the industrial use is subordinate to the primary commercial use or uses), and accessory facilities therefor.

e. Assisted-living facility;

f. Any other appropriate planned land use, complex or combination of land uses as designated and specified in the petition or ordinance zoning land to the C-S District.

(2) Accessory uses and structures, subordinate, appropriate and incidental to the above permitted primary uses, including supportive services directly related to and located in the same building with the primary use, shall be subject to the requirements of section 732-210(b)(1).

(3) Temporary structures, including fences, walls, buildings, barricades and similar temporary structures incidental and necessary to the development of land during construction shall be subject to the requirements of section 732-214(e).

**(b) C-S District development standards.**

(1) Use.

a. All C-S District uses shall:

1. Be so planned, designed, constructed and maintained as to create a superior land development, in conformity with the Comprehensive Plan of Marion County, Indiana; and
2. Create and maintain a desirable, efficient and economical use of land with high functional value and compatibility of land uses, within the C-S District and with adjacent uses; and
3. Provide sufficient and well-designed access, parking and loading areas; and
4. Provide traffic control and street plan integration with existing and planned public streets and interior access roads; and
5. Provide adequately for sanitation, drainage and public utilities; and
6. Allocate adequate sites for all uses proposed - the design, character, grade, location and orientation thereof to be appropriate for the uses proposed, logically related to existing and proposed topographical and other conditions, and consistent with the Comprehensive Plan for Marion County, Indiana.

b. On-site vehicular circulation and traffic patterns for all **drive-through facilities** shall be subject to the requirements of section 732-213.

c. **Trash containers** shall be permitted, provided the container(s) exceeding six (6) cubic feet shall:

1. Be completely screened on at least three (3) sides within a solid-walled or fenced stall not less than six (6) feet in height. The open side of the stall, if applicable, shall not face any protected district, nor shall it be viewed from any street frontage; and
2. Be located behind the established front building line; and
3. Not be located within a required yard or required transitional yard; and

4. Recycling containers shall be permitted, subject to the requirements of section 732-214(d) (requirements for recycling containers).

d. **Vending machines** shall be permitted, provided the machine(s) shall:

1. Be located within a building; or
2. Be located on the exterior of a building abutting its exterior wall; and
3. Not be located within a required yard or required transitional yard; and

e. **Taverns, package liquor stores, fast food or drive-through restaurants, and such establishments, where food or alcoholic beverages may be carried out,** shall:

1. Provide adequate outdoor convenience trash containers; and
2. Not provide outdoor tables or seats; and
3. Not be located within one hundred (100) feet, measured in any direction, of a protected district. The measurement shall be taken from the exterior of the building (or the tenant bay of the establishment if the use is in an integrated center), to the zoning boundary of the protected district except when such establishment is separated from such protected district by an intervening street (see section 732-217, Diagram J).

f. **Gasoline service station, lubricating and oil change services, convenience market, service centers** or functions shall:

1. Not include the following:
  - i. Any outdoor operations (other than the dispensing or installation of gasoline, oil, antifreeze, headlights, wiper blades and other similar products and the performance of minor services for customers as related to such dispensing or installation);
  - ii. The sale, rental, display or storage of vehicles, trailers, tractors, machinery or other similar equipment;
  - iii. Commercial parking of vehicles;
  - iv. Major servicing or motor or body repair such as, but not limited to, body or fender work, motor overhaul, major transmission repair, auto glass work, tire recapping, muffler repair or installation, auto body painting or trim shops; or
  - v. Dismantling or wrecking of any vehicles, or the storage of inoperable, damaged or wrecked vehicles.
2. The exterior display, sales or storage of antifreeze, batteries, tires, oil, and other merchandise or products is permitted, provided such display or storage is:
  - i. Accessory to the primary use; and
  - ii. Located immediately adjacent to the primary structure, but not within any required yard or required transitional yard; and
  - iii. Not more than two hundred (200) square feet in total area; and
  - iv. Maintained in an orderly manner; and
  - v. Not illuminated.

3. A maximum of three (3) accessory indoor service bays may be provided for minor automotive servicing and repair. "Service bay" is defined in section 732-217.

g. **Car wash establishments** shall:

1. Be subject to the drive-through off-street stacking space regulations of section 732-213; and
2. Not conduct any drying, cleaning, polishing, dispensing of gasoline, or other comparable operation within any required yard or required transitional yard; and
3. Not be located within one hundred (100) feet, measured in any direction, of a protected district. The measurement shall be taken from the exterior of the building (or the tenant bay of the establishment if the use is in an integrated center), to the zoning boundary of the protected district except when such establishment is separated from such protected district by an intervening street (see section 732-217, Diagram J).
4. Have exit drives that are a minimum of one hundred (100) feet in length, measured from the vehicle exit of the car wash establishment to the pavement edge of the street.
5. The surface and drainage treatment at the exit drive shall be designed so that no water accumulates on the surface or onto the public right-of-way as a result of the car wash operations.

(2) Required **minimum street frontage**. Each lot or integrated center shall have at least fifty (50) feet of frontage on a street right-of-way (unless subject to section 732-200(a)(6), lot frontage exception), and shall gain access from such street frontage.

(3) Required **minimum front yards, minimum front setback**. The setback requirements of section 732-214(a) shall be provided along all street right-of-way lines, unless subject to the established setback provisions of section 732-200(a)(3)b. or c.

(4) Required **minimum side yards, minimum side setback**. A side setback and landscaped side yard of not less than ten (10) feet in depth, measured from and paralleling the lot line, shall be provided unless subject to the additional transitional yard requirements of section 732-210(b)(6) or (8).

(5) Required **minimum rear yards, minimum rear setback**. A rear setback and landscaped rear yard of not less than ten (10) feet in depth, measured from and paralleling the lot line, shall be provided unless subject to the additional transitional yard requirements of section 732-210(b)(6) or (8).

(6) Required **transitional yards, minimum setbacks**. Minimum front, side and rear transitional yards and setbacks. Yards fronting upon or abutting a protected district are subject to the requirements of section 732-210(b)(7) or (8) in addition to the following requirements:

- a. Where a front yard abuts a street on the opposite side of which is a protected district, a minimum required front transitional yard and setback of not less than twenty (20) feet in depth, measured from and paralleling the proposed right-of-way line of the street, shall be provided unless subject to the regulations of section 732-200(a)(3)b. or c. or section 732-214(a). In the case where a proposed right-of-way does not exist or the existing right-of-way is greater, the existing right-of-way line shall be used for the setback measurement.
- b. Where a side or rear lot line abuts a lot line in an adjacent protected district, a required side or rear transitional yard and setback of not less than fifteen (15) feet

in depth, measured from and paralleling the lot line, shall be provided along such side or rear lot line.

Exceptions:

1. Where a dedicated alley separates such side or rear lot line from the protected district, such required side or rear transitional yard and setback shall be not less than ten (10) feet.
2. Where the ground area required for required transitional yards exceeds twenty (20) percent of the lot area, the width of the side or rear transitional yards may be reduced by one-half ( 1/2), but to not less individually than six-foot planting areas, provided a six-foot opaque wooden fence or solid wall is erected.
3. The transitional yard requirements of section 732-210(b)(6) shall not apply in those instances where commercial or industrial use, legally established by permanent variance or lawful nonconforming use, exists upon such adjoining property or abutting frontage property, although residentially zoned.

(7) **Use of required yards and required transitional yards.** All required yards and required transitional yards shall be landscaped with grass, and shrubbery, trees or hedge, or in combination with other suitable ground cover materials, subject to the requirements of section 732-214(g), and shall remain as open space free from structures except where expressly permitted by this chapter:

a. Required front yards:

1. May include pedestrian walks, driveways, flag poles, fences, screening walls and similar appurtenant structures; and
2. Shall not include parking areas or interior access drives, unless subject to the provisions of section 732-214(a).

b. Required side and rear yards:

1. May include pedestrian walks, interior access driveways, flag poles, fences, screening walls and similar appurtenant structures; and
2. May include interior access drives and parking areas, unless subject to the transitional yard requirements of section 732-210(b)(6) or (8), provided a six-foot wide landscaped strip of the required yard, adjacent to the lot line while paralleling and extending the full length of such lot line, except when interrupted by interior access driveway(s), shall be maintained.

c. Required front, side or rear transitional yards:

1. May include pedestrian walks, driveways, interior access driveways, flag poles, fences, screening walls and similar appurtenant structures; and
2. Shall not include parking areas or interior access drives, unless subject to the provisions of section 732-214(a).

(8) **Maximum height** of buildings and structures. There shall be no height limitation for buildings and structures provided that:

- a. Minimum required front, side and rear yard setbacks shall be increased by one (1) foot for each three (3) additional feet, or part thereof, of building or structural height above thirty-five (35) feet to a maximum front, side or rear building setback requirement of thirty (30) feet; and

- b. Minimum required setback along any required front, side or rear transitional yard as specified in section 732-202(b)(6) shall be increased by one (1) foot for each one (1) foot, or part thereof, of building or structural height above thirty-five (35) feet to a maximum front, side or rear building setback requirement of fifty (50) feet (see section 732-217, Diagram I).
  - c. The height of signs and sign structures shall comply with Chapter 734 of this Code.
- (9) **Signs.** Signs and sign structures shall comply with Chapter 734 of this Code.
- (10) **Off-street parking.** Off-street parking facilities shall be provided in accordance with the off-street parking regulations of section 732-211.
- (11) **Off-street loading.** Off-street loading facilities shall be provided in accordance with the off-street loading regulations of section 732-212.
- (12) **Drive-through off-street stacking space** requirements. Off-street stacking spaces shall be provided in accordance with the drive-through or drive-in stacking space regulations of section 732-213.
- (13) **Additional developments requirements.** Site and landscape plans, street requirements, recycling containers, temporary use structures or buildings, temporary seasonal retail sales uses, or screening, landscaping and grounds maintenance, shall be in accordance with section 732-214.